

European Aviation Safety Agency

SAFETY STANDARDS CONSULTATIVE COMMITTEE

29.06.2005 – MINUTES OF 2ND MEETING 2005

Round table

The new members/alternates presented themselves to the meeting.

Approval of the Agenda

The agenda was approved as presented.

Adoption of minutes of the previous meeting and actions arising – WP00

The minutes of the last meeting were adopted. All actions identified in the preceding meetings have been carried out (see the associated action table). The action 3-6 has been replaced by 2-1-05.

Action required:

1. The Agency prepares a policy paper on “industry & norms” issue.

1. Report from the sub-committee chairpersons

At the Chair request, the Agency informed the meeting about the progress of the Agency’s opinion on operations and licensing. It appears that the Commission will soon launch the legislative process with an adoption by the European Parliament and the Council towards the end of next year. During this time, the Agency will reflect and clarify issues that need special attention such as non-commercial non-complex & third country aircraft and the approach for reconciling the adoption of EU OPS under Regulation 3922/1991 and the extension of the EASA Regulation in the same field. Before doing so however the Agency feels now the need to define a general framework for the future set of EASA rules in all the fields of aircraft safety. A position paper will be prepared on this point for the December meeting, including if possible the rulemaking tasks to be undertaken and the related envisaged working methods.

One member wished that the Agency first consolidates its current competences before taking up new responsibilities.

Engineering and Maintenance

The subcommittee’s Chair presented his conclusions to the meeting. The paper will be posted on CIRCA. One of the requests was to circulate the working papers prior to the three weeks deadline because of the large number of documents published on CIRCA. The Agency acknowledged these comments and agreed to do its best for the future, while stressing the increased workload for providing also secretariat support to the sub-committees.

Three extra issues were considered:

- **66.006 (On privileges of B1 and B2 license holders versus electrical/instrument systems):** The Agency agreed to move the production of the AMC forward to 2008.

- **21.019 (Supplemental Type certificates) :** The Agency explained that the current rules should be refined to take into account general aviation concerns and agreed to deliver the NPA in the course of 2006.
- **Part 145.013 and MDM.007:** The Agency noted members' request to move the tasks forward.

Design and Manufacturing

The alternate Chair debriefed the Committee on its meeting results and pledged their support to the Agency position with regard "approvals of unlimited duration". The Agency invited the subcommittee to provide his top 5 priorities for 2006.

Operations and Licensing

No meeting was held.

General discussion

One member requested to clarify the subcommittee's decision making process and to provide a definition for the word "consensus". The Agency responded that article 6 of the Committee's rule of procedure is also applicable to the subcommittees and that supplementary information on the definition can be found in JAR 11 from which it was taken over.

As a final item, the Agency noted some members' requests to publish the project certification managers (PCM) contact details on the website. The Agency reiterated that non-rulemaking issues shall be dealt within the appropriate forum. It will nevertheless discuss the issue with the Certification Directorate and report at the next meeting.

Action required:

2. The Agency reports on publication of PCM contacts on its website.

2. Updated 2005 rulemaking programme – IP03 and IP04

State of implementation of the updated 2005 rulemaking programme, including published Terms of Reference and rulemaking group review

The Committee was provided with a presentation on IP03. The Agency reported that it encountered delays in delivering rulemaking material (NPAs) but it envisages now achieving a 75% implementation of the programme as it is now close to full staffing levels and has the possibility to use external resources.

At members' request for a status update on rulemaking groups, the Agency provided an overview of the active drafting groups and underlined that the composition of drafting/review groups had been determined in accordance with the applicable rule of procedure. The Agency agreed to circulate a paper on this subject on CIRCA.

On this occasion, one member highlighted that NPA 7/2005 on "Part M amendment" considerably affects the sector he represents, was difficult to evaluate and required a thorough examination. As a consequence, he thought necessary to extend the consultation period and useful that the Agency organise some explanatory sessions with the most concerned organisations. The Agency, noting members' comments and the importance of this issue, can accept an extension of the consultation period subject to the support of SSCC and AGNA. Additionally, the Agency agrees to hold a workshop on this NPA in order to fully inform on its content and objectives. The

Committee agreed to extend the consultation period by two months. The Agency will consult AGNA.

Transposition of national equipment specifications into ETSOs

The Agency provided a presentation as per IP04. The Agency informed the meeting on the criteria used for short listing National Specifications as candidate ETSO. To this end, the Agency intends contracting EUROCAE to review the National Specifications and transpose them into ETSO. The non-transferred specifications have to be withdrawn by the National Aviation Authorities. In the future, the industry shall inform the Agency whenever they are asked to comply with National Specifications. The Committee was invited to comment on the Agency's paper.

New task on approvals of an unlimited duration

The Agency informed the Committee that most of the Member States opted-out from the Commission implementing rules provisions related to the duration of organisation approvals and briefly presented the results of its investigation on the subject.

To address this issue, the Agency will include a new task in the 2005 rulemaking programme and publish an NPA recommending an extension to the current transition period. The Committee agreed on proceeding along the above lines.

Accelerated process for task 66.003 – change of Appendix I to AMC 66

The Committee was provided with clarifications on the intent of NPA 01/2005 aiming at publishing the list of type rating on the Agency website and to update it whenever changes occur. The said NPA received strong objections from one authority and one stakeholder, who cannot accept that Appendix 1 to AMC 66 become information material left entirely to the discretion of the Agency without any formal consultation process. As a consequence, the Agency will issue a new NPA recommending keeping the list in its present form - remains an AMC - but updating it at regular intervals using an accelerated procedure. The Committee agreed to the suggested systematic accelerated rulemaking procedure.

Replying to one member, the Agency informed that the NAA have to supply the relevant data when a new type of aircraft is registered.

Action required:

3. The Agency circulates a status update on active rulemaking groups.
4. The Agency extends the publication consultation period of NPA 7/2005 after AGNA consultation.
5. The Agency organises a workshop on NPA 7/2005.
6. The Committee comments on the transposition of Nat. Specifications into ETSO's.
7. The Agency transposes short listed National specifications into ETSO.
8. The Agency includes a new task in 2005 rulemaking programme and publishes a NPA recommending extension of the transition period.
9. The Agency publishes a new NPA on task 66.003 and will systematically use an accelerated procedure to update Appendix I to AMC66

3. 2006 rulemaking programme – WP01

Discussion and adoption of the 2006 rulemaking programme

The Agency explained the work approach upon which the annual programme and the advance planning papers had been established and recalled the way members shall use both documents for their planning and programming purposes. A discussion followed on WP01.

As a first item, the Engineering & Maintenance subcommittee sought clarification on 14 tasks and its Chair said that the comments will be handed over to the Agency by the subcommittee secretary for the Agency's consideration.

BR02 and BR03 (Essential requirements for safety regulation of air traffic services and airport operations): Replying to one members' concern about moving forward these tasks, the Agency underlined that the Basic Regulation and the Agency work programme, at the request of the Management Board for the latest, envisages these areas to be regulated at Community level in due time. However taking into account the legislative process, the extension of the Agency's remit to these areas will occur at the earliest in 2008/2009.

21.021 (Subpart F and POA eligibility for material manufacturers): The Agency clarified that the due date for the NPA is 4Q 2005.

21.023 (Permits to Fly): The Agency shall correct the editorial comment related to the NPA delivery due date.

21.027 (21A.431(d) repair to ETSO Article): One member suggested to move forward the task from the advance planning but this request was not supported by the Engineering & Maintenance subcommittee.

25.006 (Thermal/Acoustic insulation material): Some members deemed this a high priority task and urged the Agency avoiding any further delays.

AWO.002 (Automatic pilot super Fail-Passive criteria): Replying to one member's question related to the status of the drafting group, the Agency replied that the former JAA AWO members were invited in the relevant rulemaking group.

27&29.012 (AC Revision): The Committee stressed the need for harmonisation with FAA. The Agency responded that it will use FAA material to produce its NPA. If the subsequent public consultation shows dissenting views, the Agency will consider a review group.

E.001 (Miscellaneous improvements to CS-E): The Agency agreed to one member's request to establish a drafting group.

20.002 (AMC - Airworthiness and Operational Approval of Electronic Flight Bags): Replying to some member's requests to establish a drafting group and to clarify the NPA start date, the Agency said that it merely concerns transposition of TGL 36 into an AMC and the establishment of a drafting group would take too long. The NPA start date is Q3 2005. One member asked if modifications are required to the TGL. If yes, then the Agency has to consider a group. Other members queried the value of this approach, if they cannot contribute prior to the publication of the NPA. The Agency responded that all parties can comment during the public consultation. If contentious views are expressed, it will consider the use of a review group. Another member requested clarifications on the scope of the TGL and whether it covers both

airworthiness and operational issues. If so, how can then the Agency ensure the involvement of JAA OPS in this work? The Agency took note of the above and agreed to take into account the members' comments when revising the 2006 rulemaking programme.

Secretary's note: the Agency has agreed to set-up a group and this reflected in the adopted 2006 rulemaking programme.

20.003 (Airworthiness and Operational Approval for on board equipment related to RNP/RNAV): The Agency explained that only minor changes to the TGL are expected and that the NPA is envisaged for Q3 2005.

25.029 (25.1309 – Phase 2 activities): The Agency took note of one member request to move forward this task from the advance planning and to co-ordinate with FAA.

As a general remark, the Engineering & Maintenance subcommittee Chair indicated his concerns about the perceived delays in the 2005 programme implementation and the possible knock-on effect on the 2006 programme. The Agency responded that WP01 has been developed with the view to complete 90% of the programme.

Following these clarifications, the Committee expressed a positive opinion on the 2006 rulemaking programme provided that the Agency takes into account the comments expressed.

Action required:

10. The Agency reviews the 2006 rulemaking programme taking into account the Committees' remarks.

4. 2006-2009 advance planning – WP02 + Annex

Discussion of the 2006-2009 advance planning and identification of tasks to be started in 2006

The Agency explained the intent of the advance planning that should be viewed as a living document and invited the Committee to comment on WP02. The Committee had no particular remarks on the paper but suggested the Agency takes into account the subcommittees' points of views when revising the advance planning.

One member requested better specifying the "justification" column to enlighten the document readers. The Agency will address this issue by the production of preliminary Regulatory Impact Assessment (pre-RIA) containing supplementary data for each task.

Another member asked whether the future pre-RIA will also include economic data. The Agency explained the purpose of the pre-RIA as outlined in RIA methodology paper, which is primarily to help deciding on the need of a rulemaking action. This may include economic data, but usually such data are more to justify the content of the rule itself and shall therefore be part of the full RIA contained in each NPA.

Action required:

11. The Agency will adjust the 2007-2009 advance planning in view of the subcommittees' comments.

5. Policy discussions – WP03 and WP04

European policy for facilitating approval of parts and appliances

The Committee was provided with a presentation on paper WP03 followed by an extensive debate on this matter.

The US representatives explained the rationality behind the introduction of PMA parts that tried to address the following facts:

- There was no TC holder for a particular aircraft that was still being used and for which operators needed spare parts. Still today for legacy airplane, PMA are the main source for spare parts.
- PMA need to be produced in accordance the relevant rules and an ARAC group has reviewed the PMA system and has proposed improvements.

The operators' representatives expressed their strong support for the US PMA system. They agreed that the correct design & production process should be followed and that configuration control was important. Being themselves users of such parts they saw however no significant safety issue with them and underlined that the issue was more related to the purpose of the parts than the distinction between critical/non-critical parts. As a final item, they stressed that there shall be no competitive disadvantage between US and EU operators. They supported the introduction of a comparable system in Europe.

The manufacturers' representatives expressed the following concerns relative to current PMA system:

- The level of compliance should be the same for a part produced under a PMA system or by the original manufacturer.
- It is difficult for a manufacturer to ensure Continuing Airworthiness (CA) of aircraft on which PMA parts have been installed.
- PMA parts' manufacturers may have less knowledge of the design than the original manufacturer.
- They indicated that they could provide safety data relative to PMA parts supporting their views.

The Agency explained that there seems to be no evidence showing that PMA parts are unsafe. Moreover, the current situation in the supply of parts shows a serious imbalance in favour of American manufacturers that could be attributed, inter alia, to the differences in the regulatory environment. From the previous discussion, it considers necessary when proceeding with this question to consider:

- The criticality and purpose of the part
- The TC holder's responsibility for the CA of its products.

As a conclusion, the Committee agreed that if original and PMA parts meet the same requirements then there is no objection for the introduction of a comparable European PMA approach.

The Agency took note of the different points of views expressed and will evaluate whether any rulemaking work has to be undertaken. If needed, the Agency will consult with the US side.

More flexible rulemaking process for producing Guidance Material (GM)

The Agency presented WP04. During the ensuing debate, one member indicated that it is not clear for the users what GM really meant. The Agency acknowledged the comments and said that it will initiate work to better define the intent of GM material. It went on saying that MDM.010 will partially address the difference between AMC and GM material.

Another member commented on GMs containing contentious instructions and that advocated for using more often drafting groups.

The Agency clarified that GM material contains the Agency's interpretation of the law or the AMC and that any person with a different point of view can defend his/her opinion and make the interpretation of the rule, which is the best adapted to his/her case. Of course in case of disagreement with the competent authority the matter will be deferred to a National court or the Court of Justice.

The Chair explained that GM is now established and recognised his value in the JAA context. He went on saying that it's not mature to enter into this discussion at this particular time.

Other members' requested the Agency enhance its standardisation activities in order to ensure a more coherent application of the rules by the NAAs. Another member recognised the need for a fast track mechanism and realised that there is a dilemma between the two approaches. As a final item, one member highlighted some negative experience with JAA TGLs who did not follow the JAA rulemaking procedure.

The Agency's Certification Directorate representative underlined that the industry is asking for more explanatory material to the implementing rules.

In noting the above, the Agency agreed to refine its position paper by better defining the scope of the GM and making a suggestion for a fast track mechanism for GM material.

Action required:

12. The Agency investigates whether rulemaking on a European PMA system has to be undertaken in view of the comments received. If so, it will co-ordinate with the US FAA. This investigation will take the form of a study aimed at analysing the US system and at gathering and reviewing relevant statistical data
13. The Agency refines its position paper on a simplified rulemaking process for guidance material on the basis of the Committee's comments.

6. Internal Rulemaking procedures manual - IP01 + Annex

The Agency presented the objectives of the project agreement and the steering committee scope of responsibilities as outlined in IP01. Mr. de Gouttes volunteered to become SSCC representative in the steering committee (to be confirmed later on).

The Committee agreed to proceed along the lines specified in document IN01.

Note: In the meantime, Mr. De-Gouttes confirmed his participation in the Steering Committee.

Action required:

14. The Agency invites steering committee for a kick-off meeting in September.

7. Election of a new Chairperson of SSCC

M. Jenner explained the reasons for his resignation as chair and member of the SSCC and invited the Committee to replace him. The meeting expressed his gratitude to the Chair for his commitment and excellent work since SSCC inception. Following consultations among the members, the Committee elected Mr. F. Schaefer as its new Chair.

8. AOB

- Organisation of workshops – State of play

The Agency recalled the primary aim of the workshops. It then provided a status update of the different regional workshops on Part 145, hosted by the National Aviation Authorities throughout Europe, and the one central workshop on Parts 66 and 147 held in Cologne in April. The Agency envisages holding “regional” workshops on Part 66 and Part 147 in 2006 and invited the Committee to suggest topics for central future workshops.

Action required:

15. The Committee suggests topics for central workshop.

- Planning of future meetings

At the Agency’s suggestion to have the first meeting to debate and adopt the 2007 rulemaking programme in the middle of next year, around June, the Committee confirmed June 21st and 22nd as its meeting dates.

- Industry meeting

The Committee was informed that the forthcoming industry meeting takes place on November 17th in Cologne.

- SSCC attendance and new members

One member asked the Agency to clearly mention the attendees’ status (members/alternates/observers) and their role in the minutes and the participants list so as not to leave any space for misinterpretation. The Agency recalled their role and responsibilities as outlined in point 2.1 to 2.6 of the Committee rule of procedure. On this occasion, the Chair informed the meeting that some members’ asked to be replaced because of changed position within their organisation or in anticipation of their retirement in accordance to article 2.6 of SSCC RoP.

Finally, Barry Valentine and the Chair stated that they had enjoyed to be part of the Committee and thanked its members for their cooperation and good work.

Date of next meeting

The next meeting of the subcommittee and the Committee will be held on Wednesday 30th November and Thursday 1st December 2005, respectively, at EASA in Cologne.

Actions table

Action #	What	Who	When	Status	Comments
3-6	SSCC define target date discussion “industry & norms” issue	SSCC	November meeting	C	Replaced by new action item 2-1-05
3-7	SSCC establish procedure for nomination of experts	SSCC	Next meeting	C	SSCC RoP delegated task to subcommittee’s, who clarified this matter
3-10	Agency circulate to SSCC latest on National TSOs received from AGNA	Agency		C	Agency circulated IP04
3-11	SSCC will analyse and provide feedback on the need of certain specifications	SSCC		C	Done
1-1-05	The Chair adjust inconsistencies between SCC ToR and RoP version 7 and sub-committees ToR along the conclusion of point 1	Chair	Next meeting	C	SSCC ToR and RoP version 8 issued and approved
1-2-05	SSCC secretary to publish sub-committees documents on the CIRCA site	A. Tziolas	Asap	C	Documentation presented at meeting 1-2005 posted on CIRCA
1-3-05	Sub-Committees Chairs submit revised ToR’s to the Agency for comments	Sub-committees Chairs	When available	C	The subcommittee’s approved their RoP and presented it at full SSCC
1-4-05	Agency provide legal opinion on taking over JOEB work from JAA	Agency	Next meeting	C	The Agency explained about the lack of legal basis for this matter. One member asked the status of JAR MMEL, on which the Agency will provide an individual answer.
1-5-05	Agency pursue work on WP02 taking into account SSCC/sub-committees comments	Agency	Before next meeting	C	Agency decision 2005/2/R
1-6-05	Agency publish pre-RIA on 2006 rulemaking tasks	Agency	By April	C	Agency posted pre-RIA on CIRCA related to 2006 RMP and the advance planning
1-7-05	SSCC submit written comments on WP04	SSCC	By May	C	Done
1-8-05	Agency publish draft 2006 rulemaking programme	Agency	Next meeting	C	Agency circulated WP01
1-9-05	Agency produce update status on active and future ToR	Agency	Asap	C	Agency published paper on the CIRCA
1-10-05	Mr. Turton will consolidate comments in a paper	S. Turton	Next meeting	C	No comments received.
2-1-05	Prepare policy paper on “industry & norms”	Agency	Next meeting	O	
2-2-05	Report on the publication of PCM contacts on its website.	Agency	Next meeting	O	
2-3-05	Circulate a status update on active rulemaking groups.	Agency	Asap	O	
2-4-05	Extend the publication consultation period of NPA 7/2005 after AGNA consultation.	Agency	Asap	O	
2-5-05	Organise a workshop on NPA 7/2005.	Agency	Asap	O	

2-6-05	Comment on the transposition of Nat. Specifications into ETSO's.	SSCC	Asap	O	
2-7-05	Transpose short listed National specifications into ETSO.	Agency	2005	O	
2-8-05	Include a new task in 2005 rulemaking programme and publish a NPA recommending extension of the transition period.	Agency	Asap		
2-9-05	Publish new NPA and apply an accelerated procedure for task 66.003.	Agency	Asap	O	
2-10-05	Review the 2006 rulemaking programme taking into account the Committees' remarks.	Agency	Asap	O	
2-11-05	Adjust the 2007-2009 advance planning in view of the subcommittees' comments.	Agency	Asap	O	
2-12-05	Investigate whether rulemaking on a European PMA system has to be undertaken in view of the comments received. If so, it will co-ordinate with the US FAA.	Agency		O	
2-13-05	Refine its position paper on a simplified rulemaking process for guidance material on the basis of the Committee's comments.	Agency	Next meeting	O	
2-14-05	Invite steering committee for a kick-off meeting in September.	Agency	Asap	O	
2-15-05	Suggest topics for central workshop.	SSCC	Asap	O	

Legend

O: Open

C: Closed (The items indicated as closed will disappear from the table in the next minutes)

WP: Working Paper

IP: Information Paper

List of participants

Members

Martin AMBROSE
Jean Michel BIDOT
Per Giorgio COLOMBO
Patrick DEBUCHY
Inger-Helene ENGER
Peter FEIND
Wayne JENNER
Gerald MACK
Hans-Ulrich RAULF
Robert MATHER
Paulo MONTEIRO (replacing Paulo OLENSCKI)
Jacques RENVIER
Liam SISK
Michel VEDRENNE (replacing Alain PICARD)
Fons SCHAEFERS
Rudolf SCHUEGRAF
Barry VALENTINE
Carlo VERGARI
Bob WILSON

Alternates

Thomas LEOFF (alternate to Didier GUY)
Fred BRUGGEMAN (alternate to George PAGONIS)
Mick SANDERS (alternate to Dave GIBBONS)
Phillipe DE GOUTTES (alternate to Wolfgang ENGLER)

Observers

Michael ROMANOWSKI (accompanying Gerard MACK)
Walter DESROSIERS (accompanying Barry VALENTINE)
Bruce HUNTER (accompanying Wayne JENNER)